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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,479	12/27/2000	Tsutomu Kumazaki	NAK1-BN45	2853
21611	7590	09/07/2005	EXAMINER	
SNELL & WILMER LLP 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626			LEE, ANDREW CHUNG CHEUNG	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,479

Applicant(s)

KUMAZAKI ET AL.

Examiner

Andrew C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 13, 14, 20-22, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/23/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a fetching unit" as disclosed in claim 1; "a packet generating unit" as disclosed in claim 2; "packet fetching unit" as disclosed in claim 4; "selecting unit" as disclosed in claim 6; "input receiving unit, prohibiting unit, second packet generating unit, transmission unit, prohibiting ending unit" as disclosed in claim 7; "prohibiting unit" as disclosed in claim 8; "input receiving unit, prohibiting unit, second packet generating unit, transmission unit, prohibiting ending unit" as disclosed in claim 9; "prohibiting unit, prohibiting ending unit" as disclosed in claim 10; "packet generating unit, holding unit, fetching unit" as disclosed in claim 11; "input receiving unit, prohibiting unit, second packet generating unit" as disclosed in claim 16; "prohibiting unit" as disclosed in claim 17; "input receiving unit, prohibiting unit, second packet generating unit, prohibition ending unit" as disclosed in claim 18; "prohibiting unit, prohibition ending unit" as disclosed in claim 19; "a computer-readable recording medium" as disclosed in claim 25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

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is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Ogawa et al. (U.S. 6782553 B1).

Regarding claim 1, Ogawa et al. discloses the limitation of a program information transmission apparatus that repeatedly transmits program information with a predetermined cycle (Abstract, lines 1 – 6), comprising: a storing unit operable to store information showing a transmission amount per unit time, the unit time being shorter than the cycle (Fig. 10, element 2, column 1, lines 22 – 24; column 2, lines 31 – 34; column 11, claim 3); a fetching unit operable to fetch the program information in parts so that each fetched part of the program information has a size within the transmission amount per unit time (Fig. 1, elements 12, 13, 15 ; column 5, lines 8 – 31); and a transmission unit operable to sequentially transmit each fetched part of the program information (column 5, lines 33 – 52; column 11, claim 8).

Regarding claim 14, Ogawa et al. discloses the limitation of the program information transmission apparatus of Claimed wherein each program information set is assigned a priority, and the packet fetching unit fetches the plurality of packets from the queues according to the priorities assigned to the program information sets (column 8, lines 9 – 23).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 5, 20, 22, 24, 25, 3, 13, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. (U.S. 6782553 B1) in view of Kaneko et al. (U.S. 6505347 B1).

Regarding claims 2, 5, 20, 22, 24, 25, Ogawa et al. discloses the limitation of the program information transmission apparatus of claimed, wherein the information in the storing unit shows, as the transmission amount per unit time, a maximum number of packets that should be transmitted per unit time (Fig. 10, element 2, column 1, lines 22 – 24; column 2, lines 31 – 34), and the fetching unit includes: a packet generating unit operable to generate a plurality of packets of a fixed length from program information sets, each of which includes a part of the program information (Fig. 1, elements 12, 13, 15 ; column 5, lines 8 – 31); Ogawa et al. discloses the limitation a holding unit operable to hold the plurality of packets (Fig. 1, element 14) and a packet fetching unit operable to fetch the plurality of packets (Fig. 1, element 15). However, Ogawa et al. does not disclose expressly a holding unit operable to hold the plurality of packets so that packets belonging to different program information sets are held in different queues; and a packet fetching unit operable to fetch the plurality of packets from the queues in a predetermined order so that a number of packets fetched per unit time does not exceed the maximum number. Kaneko et al. discloses the limitation of a holding unit operable to hold the plurality of packets so that packets belonging to different program information sets are held in different queues (Fig. 19, element 38, column 17, lines 36 –

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41); and a packet fetching unit operable to fetch the plurality of packets from the queues in a predetermined order so that a number of packets fetched per unit time does not exceed the maximum number (Fig. 19, element 38, column 17, lines 36 – 67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ogawa et al. to include a holding unit operable to hold the plurality of packets so that packets belonging to different program information sets are held in different queues; and a packet fetching unit operable to fetch the plurality of packets from the queues in a predetermined order so that a number of packets fetched per unit time does not exceed the maximum number such as that taught by Kaneko et al. in order to provide a control information generating apparatus for broadcast systems which are designed to transmit audio and video signals and /or teletext signals together with video control information and program information in multiplexed form (as suggested by Kaneko et al., see column 1, lines 9 –13).

Regarding claims 3, 13, 21, Ogawa et al. discloses the limitation of a program information transmission apparatus that repeatedly transmits program information with a predetermined cycle (Abstract, lines 1 – 6), Ogawa et al. does not disclose the program information transmission apparatus of claimed wherein packets generated from one program information set is divided into at least one section, and the packet fetching unit is controlled to fetch all packets in a current section before fetching packets in another section. Kaneko et al. discloses the limitation of the program information transmission apparatus of claimed wherein packets generated from one program information set is divided into at least one section, and the packet fetching unit is controlled to fetch all

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packets in a current section before fetching packets in another section (Fig. 18, column 15, lines 57 – 62; column 17, lines 16 – 27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ogawa et al. to include the program information transmission apparatus of claimed wherein packets generated from one program information set is divided into at least one section, and the packet fetching unit is controlled to fetch all packets in a current section before fetching packets in another section such as that taught by Kaneko et al. in order to provide a control information generating apparatus for broadcast systems which are designed to transmit audio and video signals and /or teletext signals together with video control information and program information in multiplexed form (as suggested by Kaneko et al., see column 1, lines 9 – 13).

Allowable Subject Matter

7. Claim 11 is allowed.
8. Claims 4, 6, 7, 8, 9, 10, 11, 12, 15 – 19, 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-

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3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ajit Patel
Primary Examiner

ACL

Aug 23, 2005